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MAY 13 2005

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
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P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/701,824
Filing Date	5/31/2001
First Named Inventor	Sinderby
Art Unit	3761
Examiner Name	Weiss Jr., Joseph Francis
Attorney Docket Number	867-009999-US (PAR)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. Other _____

- b. Enclosed

i. Amendment/Reply iii. Information Disclosure Statement (IDS)
ii. Affidavit(s)/Declaration(s) iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-1350. I have enclosed a duplicate copy of this sheet.

i. <input type="checkbox"/> RCE fee required under 37 CFR 1.17(e)	05/16/2005 AWONDAF1 00000052 09701824
ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)	01 FC:1801 790.00 OP
iii. <input checked="" type="checkbox"/> Other ANY DEFICIENCIES 02 FC:1202 150.00 OP	

- b. Check in the amount of \$ 1,060.00 enclosed

- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature

Date

11 May 2005

Name (Print / Type)

Geza C. Ziegler, Jr.

Registration No.

44,004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature

Name (Print / Type)

Meaghan Baye

Date

May 11, 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Sinderby

SERIAL NO.: 09/701,824 ART UNIT: 3761

FILING DATE: 5/31/2001 EXAMINER: Weiss Jr,
Joseph
Francis

TITLE: PROPORTIONAL PRESSURE ASSIST VENTILATION
CONTROLLED BY A DIAPHRAGM ELECTROMYOGRAPHIC
SIGNAL

ATTORNEY
DOCKET NO.: 867-009999-US (PAR)

MAIL STOP RCE
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.114

I. INTRODUCTION

This amendment is being filed concurrently with, and as the required submission for, a Request for Continued examination ("RCE") of U.S. Patent Application Serial No. 09/701,824. This RCE is being filed after the issuance of a Final Office Action mailed January 11, 2005.

Please amend the Application as follows:

05/16/2005 AWONDAF1 00000052 09701824

03 FC:1251

120.00 OP